

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY and ERICA
GREEN,

Plaintiffs,

- against -

DEPARTMENT OF EDUCATION,

Defendant.

X

:

:

:

:

:

:

:

:

:

:

:

X

No. 1:19-cv-693-LTS-JLC

WHEREAS Plaintiffs The New York Times Company and Erica Green (together, “Plaintiffs”) filed this suit in the United States District Court for the Southern District of New York pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking the release of certain documents by Defendant United States Department of Education (“DOE”) in connection with an earlier administrative request for the same records (the “FOIA Request”); and

WHEREAS DOE has located email correspondence responsive to the FOIA Request and has agreed to make rolling productions of those records;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. DOE shall produce to Plaintiffs 500 pages of email correspondence (excluding attachments) on each of May 10, 2019, May 30, 2019, and June 30, 2019. Thereafter, productions will occur pursuant to the process described herein at the rate of 1,000 pages per production;

2. Within 14 days of DOE's June 30 production, Plaintiffs shall indicate to DOE any email attachments they seek from the three productions;

3. Until Plaintiffs identify the attachments sought (if any), DOE shall pause processing of Plaintiffs' FOIA Request;

4. Within 30 days of Plaintiffs' identification of the sought attachments, DOE shall produce those attachments. To the extent those attachments do not amount to 1,000 pages, DOE will additionally produce email correspondence in order to reach the 1,000 page requirement. To the extent those attachments amount to more than 1,000 pages, then DOE will produce 1,000 pages of attachments and, 30 days thereafter, make another production encompassing the remainder of those attachments and additional email correspondence in order to reach the 1,000 page requirement;

5. The subsequent production of records shall unfold in the same fashion, *i.e.*, Plaintiffs shall identify any email attachments they seek from a production within 14 days of the production date, and within 30 days of that identification DOE shall produce those attachments and additional email correspondence, totaling 1000 pages;

6. DOE shall, to the extent practicable, produce the documents by custodian in the order requested by Plaintiffs; and

7. The parties shall provide the Court with a joint status update on June 6, 2019, and on the 6th day (or next business day) of every other month thereafter.

Dated: New York, NY
April 24, 2019

THE NEW YORK TIMES COMPANY
and ERICA GREEN

By: 
DAVID E. MCCRAW
Legal Department
The New York Times Company
620 Eighth Avenue
New York, NY 10018
Tel.: (212) 556-4031
Fax: (212) 556-4634
mccraw@nytimes.com

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 
ALEXANDER HOGAN
Assistant United States Attorney
Southern District of New York
86 Chambers St., Third Floor
New York, NY 10007
Tel.: (212) 637-2799
Fax: (212) 637-2702
Alexander.Hogan@usdoj.gov

SO ORDERED.

UNITED STATES MAGISTRATE JUDGE